

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1854

Amending Civil Rule 81(e)(1)
concerning attorney withdrawal
absent party consent.

IT IS ORDERED:

Civil Rule 81(e)(1) is amended to read as follows:

Rule 81. Attorneys.

* * * *

(e) Withdrawal of Attorney.

(1) An attorney who has appeared for a party in an action or proceeding may be permitted to withdraw as counsel for such party only as follows:

~~(A) For good cause shown, upon motion and notice of hearing served upon the party in accordance with Rule 77 and after the withdrawing attorney provides~~

~~(i) to the client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times; and~~

~~(ii) to the court the last known address and telephone number of the attorney's client and a certification that the attorney has complied with (e)(1)(A)(i) of this rule; or~~

~~(AB) Where the party has other counsel ready to be substituted for the attorney who wishes to withdraw; or~~

~~(BC) Where the party expressly consents in open court or in writing to the withdrawal of the party's attorney, the party has~~

provided in writing or on the record a current service address, ~~and~~ telephone number, and email address, and the attorney who wishes to withdraw has provided to the ~~party~~client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times; ~~or~~

(C) Where the party's consent has not been obtained, the court may grant a motion to withdraw for good cause. The court is required to hold a hearing on the motion only upon a party's timely request. A party's request for a hearing is timely if it is made within ten days of service of the motion to withdraw. In addition,

(i) the motion to withdraw must be served on the party in person or by mail at the last known address, and must inform the party of a right to request a hearing within ten days of service of the motion;

(ii) the attorney shall enclose with the motion a list of all hearing dates and pending deadlines including pretrial or post-trial deadlines, motion deadlines, and appellate deadlines; and

(iii) the attorney shall certify to the court that the attorney has complied with the requirements for service of the motion and shall provide the court with the party's last known address, telephone number, and email address; or

(D) In accordance with the limitations set forth in any limited entry of appearance filed pursuant to Civil Rule 81(d). An attorney may withdraw under this subparagraph by filing a notice with the court, served on all parties of record, stating that the attorney's limited representation has concluded; certifying that the attorney has taken all actions necessitated by the limited

representation; and providing to the court a current service address, ~~and telephone number, and email address~~ and to the ~~party/~~client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times. Upon the filing of such notice, the withdrawal shall be effective, without court action or approval.

DATED: April 2, 2015

EFFECTIVE DATE: October 15, 2015

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger